

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	11-00030-05-CR-W-GAF
JON NEVINS,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

I. BACKGROUND

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on December 28, 2012. Defendant Jon Nevins appeared in person and with retained counsel George Thomas, III. The United States of America appeared by Assistant United States Attorney John Cowles.

On June 15, 2011, an indictment was returned charging defendant with one count of conspiracy to commit wire fraud and money laundering, in violation of 18 U.S.C. § 371, one count of wire fraud, in violation of 18 U.S.C. § 1343, two counts of money laundering, in violation of 18 U.S.C. § 1957, and one forfeiture count pursuant to 18 U.S.C. § 982(a)(1). Codefendant Craig Chambers has a change of plea hearing set for January 4, 2013; codefendant Patrick Friedl pled guilty and was sentenced on July 26, 2012; codefendant Tom Crowley has a change of plea hearing set for January 4, 2013; and codefendant William Vaughan will be set for trial on the February 2013 docket. The counts charging defendant Vaughan and the counts charging defendant Nevins have been severed; therefore, each will proceed to trial separately.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Cowles announced that he will be the trial counsel for the government. At counsel table will Scott Harmann, paralegal; Gil Bin, Secret Service; and Jeff Shaw, FDIC.

Mr. Thomas announced that he will be the trial counsel for defendant Jon Nevins.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Cowles announced that the government intends to call 12 witnesses without stipulations or 12 witnesses with stipulations during the trial.

Mr. Thomas announced that defendant Jon Nevins intends to call no witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Cowles announced that the government will offer approximately 20 exhibits in evidence during the trial.

Mr. Thomas announced that defendant Jon Nevins will offer approximately 2 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Thomas announced that defendant Jon Nevins will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Thomas stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to evidentiary foundation for exhibits.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by December 28, 2012;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, January 2, 2013;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, January 2, 2013. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Defendant anticipates filing a motion in limine on 404(b) evidence.¹ There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on January 7, 2013.



ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
December 28, 2012

¹ During the pretrial conference, it was indicated that no motions in limine would be filed. However, afterward, defense counsel called my office and indicated that he would file a motion in limine.